

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE

Meeting Minutes -June 21, 2002

PRESENT:

Sen. Mary Hartley
Rep. Mark Anderson
Frank Costanzo
Ella Maley
Rene Bartos
Kelly Campbell, by Daniella Yaloz
Nancy Gray Eade
Hon. Karen Adam
Ellen Seaborne
Steve Phinney

Jeff Zimmerman
Sidney Buckman
Terrill J. Haugen
Sen. David Petersen
Brian Yee
Sanford Braver, by Bill Fabricius
Jennifer Jordan
Gordon Gunnell
Debbora Woods-Schmitt

NOT PRESENT:

Rep. Karen Johnson
Sen. Toni Hellon
Ray Rivas (Alma Jennings Haught)

Jay Mount
Rep. Kathi Foster
Janet Scheiderer

GUESTS:

Dave Norton, Phoenix Police Department
Kat Cooper, Maricopa Clerk of Superior Court
Steve Wolfson, State Bar of Arizona, Family Law Section
Theresa Martin - Office of the Attorney General
Elizabeth Basket - Senate Research Assistant

STAFF:

Isabel Gillett
Megan Hunter

The meeting began at 10:17 a.m. with Representative Anderson leading the discussion in place of Representative Johnson.

ANNOUNCEMENTS

Representative Anderson welcomed everyone. Megan Hunter mentioned that the Research & Statistics Unit of the AOC will come to a future meeting to discuss family law related statistics. Ellen Seaborne invited anyone interested to a conference to be held in Jerome on June 28, 2002, which will focus on domestic violence, awareness of child abuse by a mother's boyfriend and relocation issues. Those interested should contact Ellen's office.

CALL MEETING TO ORDER

The meeting was called to order at 10:37 a.m. by Senator Hartley.

APPROVAL OF MINUTES

A quorum was present for minutes approval. The minutes for the May, 2002 meeting were unanimously approved as written.

STATUS OF SB 1088

Rep. Anderson reported that SB 1088 which repeals the Domestic Relations Reform Study Subcommittee was signed by Governor Hull on June 4, 2002 with a general effective date of August 22, 2002. As of that date, this committee will be called the Domestic Relations Committee. Letters asking for approval of existing committee members have been sent to the Governor, Chief Justice, President of the Senate and Speaker of the House; the Chief Justice has reappointed those members who wished to remain on the new committee. Applications are being

gathered for the four new positions: rural Superior Court judge/commissioner, child advocate, State Bar Family Law section member and law enforcement representative. Applicants for these positions need to submit a resume and letter of interest/commitment to serve so that the application process may begin. SB 1088 also extends the IFC deadline to December 31, 2002 to complete the statewide plan.

INTEGRATED FAMILY COURT SATELLITE BROADCAST

Members viewed the Family Court section of the AOC Satellite Broadcast as presented by Honorable Mark Armstrong and Karen Kretschman.

IFC WORKGROUP

Ellen Seaborne reported on the status of the Integrated Family Court workgroup. S 1088 charges the Domestic Relations Committee with preparing “an annual written report regarding recommended changes to the domestic relations statutes, rules and procedures and other related issues designed to lead to a reform of the state’s domestic relations statutes” as well as preparing “a statewide plan for an integrated family court with comprehensive subject matter jurisdiction over all matters involving the family and submit this plan to the governor, the president of the senate, the speaker of the house of representatives and the chief justice of the Supreme Court on or before December 31, 2002.

Data from Maricopa County’s IFC pilot program should be available by the end of June, 2002. The IFC workgroup will meet on July 12, August 16, September 6 and October 4 after which they intend to submit a plan to this committee in October, 2002. DRC will provide input to the IFC workgroup before final submission to the Supreme Court in December, 2002.

WORKGROUPS

Rene Bartos requested that the workgroups consider domestic violence issues in relation to divorce and custody; the matter was assigned to the Court Procedures workgroup.

Elizabeth Baskett, Senate Research Assistant, reported on two bills that Sen. Hartley is interested in having the workgroups study. A.R.S. § 25-403 does not give the court the authority to appoint an attorney to a child to represent the child’s best interest regarding grandparent visitation. Members suggested also adding in loco parentis to the statute as well.

Elizabeth also discussed the fact that the court does not have authority to take alcohol dependency into consideration when determining child custody/parenting time. Members from the court advised that alcohol dependency, while not specifically addressed in statute, is considered by the court in those cases.

Sen. Hartley asked the workgroups to set aside their scheduled topics and instead focus on Integrated Family Court issues in an effort to provide the IFC workgroup with input prior to the October DRC meeting. The chairperson from each workgroup met with Ellen Seaborne to determine the IFC issues to be discussed by each workgroup. The members of the Substantive law workgroup, the Education/prevention workgroup and the Court procedures workgroup met during the working lunch hour. The workgroups considered proposals for study and review for the next legislative session as follows:

Substantive Law Workgroup:

Jeff Zimmerman reported that the workgroup developed a list of issues for the IFC workgroup’s consideration as follows:

- 1) Increase statistic gathering in family law cases;
- 2) Filing fee for Conciliation Services;
- 3) Domestic violence training for limited jurisdiction court judges;
- 4) Expand ADR services.

Court Procedures Workgroup:

Dr. Brian Yee reported the following list of issues for the IFC workgroup’s consideration:

- 1) Increase the number of judicial officers;
- 2) Enhanced training of judicial officers;
- 3) Increase funding and staff in Conciliation Services;

- 4) Develop a private mediator roster;
- 5) In-depth discussion of security and confidentiality issues of case information that is provided on the Internet.

Education/Prevention:

Terrill Haugen reported the following list of issues for the IFC workgroup's consideration:

- 1) Determine an alternative name for Conciliation Services;
- 2) Enhanced judicial education;
- 3) Develop a truancy program;
- 4) Implement whole family divorce education, including children's and father's programs;
- 5) Implement a never-married parent education class;
- 6) Placement of case managers or court facilitators in each court to help pro se litigants;
- 7) Include property issues in mediation;
- 8) Include faith-based organizations in plan;
- 9) Introduce preventative measures such as a marriage skills education class at the marriage license stage;
- 10) Coordinate services with Department of Education, especially conflict resolution classes;
- 11) Eliminate local rules to unify procedures statewide;
- 12) Mandate uniformity of forms statewide.

Prior to the July meeting, the three workgroup chairpersons will communicate with Ellen Seaborne to prepare the workgroups focus.

NEW BUSINESS

SB 1088 eliminated the requirement to have two joint meetings annually with the Child Support Committee (CSC). Some members have expressed interest in continuing to meet jointly with CSC occasionally. Members should contact Karen Kretschman or Megan Hunter if they want joint meetings to continue.

CALL TO THE PUBLIC

No requests to speak were received.

FUTURE MEETINGS

The July 19, 2002 meeting will be held at 541 E. Van Buren, Phoenix, at the Judicial Education Center, Suite B, Copper/Gold Rooms with Sen. Hartley as chair. Ample parking is available across the street, 5th St. entrance, for a fee. This meeting will be devoted to workgroup sessions to discuss IFC issues except for announcements, IFC report and workgroup reports.

The August 23, 2002 meeting will be held in Rooms 119A/B, State Courts Building.

ADJOURNMENT

The meeting was adjourned at 1:49 p.m. by Sen. Hartley.